THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13587 OF 2007

Dated 28-06-2007

Between:

M/s Clough Engineering Limited …Petitioner

and

The Assistant Commissioner (CT)
And two others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13587 OF 2007

O R D E R ***(Per the Hon'ble Sri Justice Bilal Nazki):***

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending appeal, application for stay filed by the petitioner was dismissed by the competent authority. We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would have been met if stay was granted, pending appeal, subject to deposit of 50 per cent of the disputed tax. Therefore, we set aside the order of the authority and direct that 25 per cent of the disputed tax shall be paid by the petitioner, within a period of four weeks from today and another 25 per cent of the disputed tax shall be paid by him within a period of four weeks thereafter. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within the time scheduled above. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount already paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki, J)

Dated 28th June, 2007

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(S.Ananda Reddy, J)

Note: **Issue wire at party's cost**

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